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HJ.R. No. 83

A JOINT RESOLUTION

proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 18, Article V, Texas Constitution, is amended by adding Subsection (g) to read as follows:

(g) The Legislature by general law may prescribe the qualifications of constables.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 1997. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow the legislature to prescribe the qualifications of constables."

HOUSE SOLUTION OF THE PROPERTY OF THE PROPERT

1st Printing

By Gutierrez

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COMMITTEE REPORT

The Honorable James E. "Pete" Laney Speaker of the House of Representatives

 $\frac{3/24/97}{\text{(date)}}$

Sir:				
We, your COMMITTEE ON CO	UNTY AFFAIRS			
to whom was referred	85 by Gutjerre hat it	have had th	e same under conside	eration and beg to report
() do pass, without amendment(s () do pass, with amendment(s () do pass and be not printed;	s).	Substitute is recomi	mended in lieu of the o	original measure.
(Wyes () no A fiscal note	was requested.			
() yes (4 no A criminal ju	stice policy impact state	ment was requested	d.	
() yes (4 no An equalize	d educational funding im	pact statement was	requested.	
() yes (4 no An actuarial	analysis was requested	•	·	
() yes () no A water dev	elopment policy impact s	statement was reque	ested.	
() yes (/ no A tax equity	note was requested.			
() The Committee recommend	ls that this measure be s	ent to the Committe	e on Local and Conse	ent Calendars.
For Senate Measures: House S	ponsor			
Joint Sponsors:	,	,	,	
Co-Sponsors:				
СО СРОИЗОІЗ.				
The measure was reported from	Committee by the fellow	·		
The measure was reported from	AYE	NAY	PNV	ABSENT
Lewis, R., Chair				
Kamel, Vice-chair				
Bonnen	L			
Chisum				
Christian				
Denny				
Flores				
Gutierrez				
Lewis, G.				-
,				
Total 6	aye	11	/ 2	
Λ	nay	1.671	Jenis	·
/	oresent, not voting	CHÁIR		

_ absent

BILL ANALYSIS

COUNTY AFFAIRS
H.J.R. 83
By: Gutierrez
3-26-97
Committee Report (Unamended)

BACKGROUND

The State of Texas authorizes and recognizes the Constable as a Texas Peace Officer. The Constable has jurisdiction not only in the precinct where he serves, but also throughout his home county in practically all matters of civil and criminal enforcement. The Constable has the authority to arrest without a warrant, anywhere in the state, for all offenses committed within his jurisdiction (except traffic offenses outside his home county). As with any other Texas Peace Officer, the Constable has the authority to arrest with a warrant throughout the state. As an officer of the Court, the Constable has the authority to serve civil process and other notices anywhere. County lines do not bind constables concerning this matter. The Constable also has the authority to investigate criminal activity, file offense reports, investigate reports, interview suspects and witnesses for statements, and build cases in cooperation with his prosecutor's office for the filing of complaints with the Courts or with the Grand Jury. The State authorizes the Constable with civil and criminal enforcement powers the same as the Sheriff, yet the qualifications are different.

Deputies of the Constable must qualify as peace officers the same as all other Texas Peace Officers under rules set by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). However, Constables are required to receive this training within two years after entering office.

PURPOSE

If enacted, the Legislature may prescribe the qualifications for constables.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Section 18, Article V, Texas Constitution, is amended by adding Subsection (g) to read as follows:

(g) The Legislature by general law may prescribe the qualifications of constables.

SECTION 2. Election to be held on November 4, 1997. The ballot shall be printed to allow the voters the choice to vote "for" or "against" the constitutional amendment.

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE 75th Regular Session

March 24, 1997

To:

Honorable Ron E. Lewis, Chair

Committee on County Affairs

House

Austin, Texas

IN RE: House Joint Resolution

No. 83

By: Gutierrez

From: John Keel, Director

In response to your request for a Fiscal Note on HJR83 (Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HJR83-As Introduced

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

No fiscal implication to units of local government is anticipated.

Source:

Agencies:

LBB Staff: JK, TL

SUMMARY OF COMMITTEE ACTION

HJR 83

March 26, 1997 8:00AM
Considered in public hearing
Testimony taken in committee
Reported favorably without amendment(s)

Z

WITNESS LIST

HJR 83 HOUSE COMMITTEE REPORT County Affairs Committee

March 26, 1997 - 8:00A For: Gutierrez, Roberto (Himself) Kunkle, Jerry (JPCA)



By Gutierrez

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H.J.R. No. 83

A JOINT RESOLUTION

proposing a constitutional amendment to allow the legislature to

2	prescribe the qualifications of constables.
3	BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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7	qualifications of constables.
8	SECTION 2. This proposed constitutional amendment shall be
9	submitted to the voters at an election to be held November 4, 1997.
10	The ballot shall be printed to permit voting for or against the
11	proposition: "The constitutional amendment to allow the

legislature to prescribe the qualifications of constables."

HOUSE ENGROSSMENT

By Gutierrez

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H.J.R. No. 83

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prescribe the qualifications of constables. 2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS: 3 SECTION 1. Section 18, Article V, Texas Constitution, is amended by adding Subsection (g) to read as follows: 5 (g) The Legislature by general law may prescribe the 6 7 qualifications of constables. SECTION 2. This proposed constitutional amendment shall be 8 submitted to the voters at an election to be held November 4, 1997. The ballot shall be printed to permit voting for or against the 10 proposition: "The constitutional amendment to 11 allow the legislature to prescribe the qualifications of constables." 12

1-1 1-2	By: Gutierrez (Senate Sponsor - Lucio) H.J.R. No. 83 (In the Senate - Received from the House April 30, 1997;
1-3	May 1, 1997, read first time and referred to Committee on
1-4	Intergovernmental Relations; May 8, 1997, reported favorably by the
1-5	following vote: Yeas 9, Nays 1; May 8, 1997, sent to printer.)
1 3	Tollowing vote. Teas by Mays I, May by 1997, Bene to printer.
1-6	HOUSE JOINT RESOLUTION
1-7	proposing a constitutional amendment to allow the legislature to
1-8	prescribe the qualifications of constables.
1-9	BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-10	SECTION 1. Section 18, Article V, Texas Constitution, is
1-11	amended by adding Subsection (g) to read as follows:
1-12	(g) The Legislature by general law may prescribe the
1-13	qualifications of constables.
1-14	SECTION 2. This proposed constitutional amendment shall be
1-15	submitted to the voters at an election to be held November 4, 1997.
1-16	The ballot shall be printed to permit voting for or against the
1-17	proposition: "The constitutional amendment to allow the
1-18	legislature to prescribe the qualifications of constables."
1-19	* * * *

FAVORABLE SENATE COMMITTEE REPORT ON SCR SJR SR HB HCR HJR S By (Author/Senate Sponsor) (Author/Senate Sponsor) (date)

SB

Sir:						
We, your Committee on INTERGOVER	RNMENT.	AL REI	ATIONS	, to which was	referred the att	ached measure
have on 5/7/97	. 1	had the	same under	consideration a	and I am instru	cted to report it
back with the recommendation (s) that i	t:					•
do pass and be printed						
() do pass and be ordered not printed						
() and is recommended for placement of	n the Local	l and Ui	ncontested I	Bills Calendar.		
A fiscal note was requested.	(vyes	() no				
A revised fiscal note was requested.	() yes	() no				
An actuarial analysis was requested.	() yes	()no				
Considered by subcommittee.	() yes	() no				
The measure was reported from Commit		followin	g vote:			
			6			
			YEA	NAY	ABSENT	PNV
Senator Lucio, Chair			1/			
Senator Galloway, Vice-Chair			V,			
Senator Cain			1//			
Senator Carona			7,			
Senator Gallegos			1			
Senator Lindsay					/	
Senator Madla				/		
Senator Moncrief						
Senator Ogden						
Senator Shapiro		-	//			
Senator Whitmire			_//		1	
TOTAL VOTES			á	1	1	+
\$260 Considered in public hearing \$270 Pestimony taken COMMITTEE CLERK	COM		E ACTION ALICE ALI	s lie	Luci	-
Paper clip the original and one copy of this signed form to	the original bil	11			(
Retain one copy of this form for Committee files						

BILL ANALYSIS

Senate Research Center

H.J.R. 83 By: Gutierrez (Lucio) Intergovernmental Relations 5-5-97 Engrossed

DIGEST

Currently, the State of Texas authorizes and recognizes the constable as a Texas peace officer. Deputies of the constable must qualify as peace officers the same as all other Texas peace officers under rules set by the Texas Commission on Law Enforcement Officer Standards and Education. However, constables are required to receive training within two years after entering office. H.J.R. 83 would authorize the legislature to prescribe qualifications for constables.

PURPOSE

As proposed, H.J.R. 83 requires the submission to the voters of a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 18, Article V, Texas Constitution, by adding Subsection (g), to authorize the legislature, by general law, to prescribe the qualifications of constables.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE 75th Regular Session

May 5, 1997

To:

Honorable Eddie Lucio, Jr., Chair

Committee on Intergovernmental Relations

Senate

Austin, Texas

IN RE: House Joint Resolution No. 83, As Engrossed

By: Gutierrez

From: John Keel, Director

In response to your request for a Fiscal Note on HJR83 (Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HJR83-As Engrossed

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

No fiscal implication to units of local government is anticipated.

Source:

Agencies:

LBB Staff: JK, TL

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE 75th Regular Session

March 24, 1997

To:

Honorable Ron E. Lewis, Chair

Committee on County Affairs

House

Austin, Texas

IN RE: House Joint Resolution

No. 83

By: Gutierrez

From: John Keel, Director

In response to your request for a Fiscal Note on HJR83 (Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.) this office has determined the following:

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No fiscal implication to units of local government is anticipated.

Source:

Agencies:

LBB Staff: JK, TL

Preside	nt of the Senate	Speaker of the House
I cer	tify that H.J.R. 1	No. $\frac{83}{(1)}$ was passed by the House on $\frac{3}{(1)}$ by the following vote:
Yeas 10%,	(2) (38) Nays 38)	1, 1997, by the following vote: 1 present, not wahre (4)
		Chief Clerk of the House
I cert	tify that H.J.R. $\frac{19}{(5)}$	No. 93 was passed by the Senate on
Yeas $\frac{20}{(6)}$,	Nays	(7)
		Secretary of the Senate
RECEIVED:		
	Date	
	Secretary of St	ate

**** Preparation: CT23;

ENROLLED

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10	The ballot shall be printed to permit voting for or against the
11	proposition: "The constitutional amendment to allow the
12	legislature to prescribe the qualifications of constables."

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H.J.R. No. 83

	Presider	nt of	the	Senat	e		Sp	eaker	of	the H	ouse	
	I cert	ify	that	H.J.R	. No.	83 wa	s pass	ed by	the	Hous	e on	April
29,	1997, by	the	foll	.owing	vote	: Yea	s 108,	Nays	38,	1 pr	esent	, not
vot	ing.											
							Chi	ef Cl	erk	of th	е Йои	ıse
	I cert	ify	that	H.J.R	. No.	83 wa	s pass	ed by	the	Sena	te or	n May
19,	1997, by	the	foll	.owing	vote	Yea	s 28,	Nays	2.			
											:	
											····-	
							Sec	retar	y of	the :	Senat	e
RECE	EIVED: _					-					:	
			Da	te								
									,			
	_					-						
		Sec	retar	y of s	State							

SENT TO SENATE

	V		
75TH LEGISLATURE			
COAUTHOR AUTHORIZATION		For chief clerk use or	nly 11+1 (73
(please request your coauthors to sign this form		Bill or Resolution N	umber: M31 8
in lieu of the front or the back of the original bil	1) /)		
	1/00/	· ·	111-
Eduto Suluniz	Traesro Gitt	PEREZ	2/26/97
signature of primary author	printed name of primary	author	Date
Co			

PERMISSION TO SIGN	hyr 83		IVEN TO (checl	c only one of the followin	g):
ALL REPRESE	Toill or resolu	ution #) UTATIVE(S):	***	· · · · · · · · · · · · · · · · · · ·	
I authorize the Chief Cler	rk to include my	name as a coauthor of the	e legislation indic	cated above:	
A2120 Alexander	Date	A2645 Cuellar	Date	A2935 Giddings	Date
A2115 Allen	Date	A2635 Culberson	Date	A2880 Glaze	Date
A2105 Alvarado	Date	A2670 Danburg	Date	A2985 Goodman	Date
A2135 Averitt	Date	A2675 Davila	Date	A2990 Goolsby	Date
A2160 Bailey	Date	A2625 Davis	Date	A3005 Gray	Date
A2200 Berlanga	Date	A2680 Delisi	Date	A3010 Greenberg	Date
A2250 Bonnen	Date	A3385 Denny	Date	A3020 Grusendorf	Date
A2275 Bosse	Date	A2705 Driver	Date	A3030 Gutierrez	Date
A2260 Brimer	Date	A2665 Dukes	Date	A3035 Haggerty	Date
A2255 Burnam	Date	A2660 Dunnam	Date	A2695 Hamric	Date
A2400 Carter	Date	A2650 Dutton	Date	A3170 Hartnett	Date
A2585 Chavez	Date	A2770 Edwards	Date	A3345 Hawley	Date
A2480 Chisum	Date	A2760 Ehrhardt	Date	A3180 Heflin	Date
A2525 Christian	Date	A2775 Eiland	Date	A3230 Hernandez	Date
A2520 Clark	Date	A2785 Elkins	Date	A3240 Hightower	Date
A2435 Coleman	Date	A2810 Farrar	Date	A3310 Hilbert	Date
A2565 Cook	Date	A2830 Finnell	Date	A3250 Hilderbran	Date
A2595 Corte	Date	A2840 Flores	Date	A3275 Hill	Date
A2600 Counts	Date	A2920 Gallego	Date	A3270 Hinojosa	Date
A2605 Crabb	Date	A2910 Galloway	Date	A3285 Hirschi	Date
A2610 Craddick	Date	A2930 Garcia	Date	A3305 Hochberg	Date

A3290 Hodge	Date	A3845 McReynolds	Date	A4435 Shields	Date
A3295 Holzheauser	Date	A3840 Merritt	Date	A4445 Siebert	Date
A3300 Horn	Date	A3850 Moffat	Date	A4525 Smith	Date
A3315 Howard	Date	A3860 Moreno	Date	A4530 Smithee	Date
A3355 Hunter	Date	A3865 Mowery	Date	A4550 Solis	Date
A3360 Hupp	Date	A3885 Naishtat	Date	A4505 Solomons	Date
A3375 Isett	Date	A3895 Nixon	Date	A4515 Staples	Date
A3380 Jackson	Date	A3875 Oakley	Date	A4510 Stiles	Date
A3415 Janek	Date	A3880 Oliveira	Date	A4570 Swinford	Date
A3405 Jones, Delwin	Date	A3886 Olivo	Date	A4585 Talton	Date
A3400 Jones, Jesse	Date	A4010 Palmer	Date	A4605 Telford	Date
A3440 Junell	Date	A4070 Patterson	Date	A4630 Thompson	Date
A3460 Kamel	Date	A4180 Pickett	Date	A4635 Tillery	Date
A3475 Keel	Date	A4185 Pitts	Date	A4640 Torres	Date
A3480 Keffer	Date	A4110 Place	Date	A2730 Turner, Bob	Date
A3465 King	Date	A4190 Price	Date	A4685 Turner, Sylvester	Date
A3485 Krusee	Date	A4200 Puente	Date	A4690 Uher	Date
A3490 Kubiak	Date	A4230 Rabuck	Date	A4720 Van de Putte	Date
A3450 Kuempel	Date	A4210 Ramsay	Date	A4990 Walker	Date
A3510 Laney	Date	A4240 Rangel	Date	A4995 West	Date
	Date -			A4995 West	Date
A3605 Lewis, Glenn	Date	A4235 Raymond	Date	A5035 Williams	Date
A3600 Lewis, Ron	Date	A4245 Reyna, Arthur	Date	A5010 Williamson	Date
A3615 Longoria	Date	A4236 Reyna, Elvira	Date	A5000 Wilson	Date
A3620 Luna,Vilma	Date	A4260 Rhodes	Date	A5020 Wise	Date
A3715 Madden	Date	A4315 Rodriguez	Date	A5015 Wohlgemuth	Date
A3750 Marchant	Date	A4320 Roman	Date	A4980 Wolens	Date
A2700 Maxey	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3665 McCall	Date	A4420 Seaman	Date	A5025 Yarbrough	Date
A3650 McClendon	Date	A4460 Serna	Date	A5040 Zbranek	Date

	<i>~</i>	
	83	
H.J.R. No.	0)	

By Sutures

Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

riak 4 1997	Filed with the Chief Clerk
MAR 1 0 1997	Read first time and referred to Committee onCounty Affairs
MAR 2 6 1997	Reportedfavorably (as amended)
	(as substituted)
March 31, 1997	_ Sent to Committee on Calendars
APR 2 8 1997	Read second time (community) (community) and adopted (passed to third reading) by a
APR 29 1997	record vote of 83 yeas, 60 nays, present, not voting
AIR DO IOC.	Read third time (amended) and finally adopted (failed of adoption) by a record vote of
APR 2 5 1997	Engrossed
APR 3 0 1997	Sent to Senate Suron Ourser
	CHIEF CLERK OF THE HOUSE
OTHER HOUSE ACTIO	ON:
	•
APR 3 0 1997	_ Received from the House
MAY 1 1997	Read and referred to Committee onINTERGOVERNMENTAL RELATIONS
MAY 0.8 1997	Reported favorably
	_ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time
	_ Ordered not printed
	Laid before the Senate
MAY 1 9 1997	Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
	yeas, nays)
MAY 1 9 1997	Read second time,, and passed to third reading by (unanimous consent) (a viva voce vete)
	(a viva voce vac) (
MAY 1 9 1997	_ Senate and Constitutional 3 Day Rules suspended by a vote of <u>28</u> yeas, <u>2</u> nays
MAY 1 9 1997	Read third time,, and passed by 28 yeas, 2 nays
1 hay 19 1997	Returned to the House SECRETARY OF THE SENATE
OTHER SENATE ACT	,

MAY 19 1997	Returned from the Senate (with
	House concurred in Senate amendments by a (non-record vote)
	(record vote of yeas, nays, present, not voting)
	House refused to concur in Senate amendments and requested the appointment of a conference committee
	by a (non-record vote) (record vote of yeas, nays, present, not voting
	House conferees appointed:, Chair;
	Senate granted House request. Senate conferees appointed:, Chair
	Conference committee report adopted (rejected) by the House by a record vote of present, not voting
	Conference committee report adopted (rejected) by the Senate by a record vote of yeas,